

### REMARKS

This Amendment is submitted in response to the Office Action mailed May 10, 2005. In the Office Action, the Examiner has acknowledged Applicant's election without traverse of Group 1 (claims 1-21), Species C (claims 10-13), and has withdrawn claims 8, 9, and 22-35 from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention and species. Also in the Office Action, the Drawings, Specification, and Claims were objected to for various informalities, Claims 1-4, 10 and 16-19 were rejected as being anticipated by US Patent No. 3,752,474 to Macabet et al. ("Macabet"), Claims 1 and 21 were rejected as being anticipated by US Patent No. 5,433,688 to Davies ("Davies"), Claim 20 was rejected as being unpatentable over Macabet in view of US Patent No. 6,258,011 B1 to Wolfe ("Wolfe"), Claims 14 and 15 was rejected as being unpatentable over Macabet in view of US Patent No. 4,060,240 to Dunston ("Dunston"), Claims 1-7, 16, 18, and 19 were rejected as being unpatentable over US Patent No. 5,352,172 to Suzuki ("Suzaki") in view of US Patent No. 5,217,029 to Shields ("Shields"), and Claims 1 and 10-13 were rejected as being unpatentable over BODYBUILDER'S DISCOUNT OUTLET ("BODYBUILDER'S")

In response to the Office Action, Applicant has corrected Figures 2 and 25 of the Drawings in Replacement Sheets 1 and 24, respectively, amended paragraphs [0044], [0045], [0051], [0061], [0065], [0069], [0072], [0074], [0075], [0092], [0095], [0097], [0098], and [0099] of the Specification, and has amended Claims 17 and 21. Applicant respectfully submits that no new matter has been entered by any of these amendments.

In addition, paragraphs [0053], [0059], [0068], and [0072] of the Specification have been amended to correct typographical errors, paragraph [0056] of the Specification has been amended to include elements of the Drawings, Replacement Sheets 8 and 10 of the Drawings are presented to add reference numerals to FIGS. 12B, 12C, 13A, 13B, and 13B, and Replacement Sheets 2-7, 9, and 11-16 of the Drawings are presented herein to provide higher quality Drawings. Applicant respectfully submits that no new matter has been entered by any of these amendments. **Claims 1-7 and 10-21 are pending.**

For the reasons set forth below, Applicant respectfully submits that, as amended, all remaining claims in this application are patentably distinct over the prior art of record. Reconsideration and allowance of all pending claims in the application are respectfully solicited.

### **AMENDMENTS TO THE SPECIFICATION**

Paragraphs [0053], [0056], [0059], [0068], and [0072] have been amended to correct several typographical errors in the Specification. Specifically the following amendments have been made in the following paragraphs: in paragraph [0053] “exercised” has been replaced with “exercises;” in paragraph [0059] “anchor **420**” has been amended to read “anchor **410**,” in paragraph [0068] “user” has been replaced with “use,” and in paragraph [0072] “users” in the last line of the paragraph has been replaced with “user’s.” Each of these amendments is to correct a typographical error and does not introduce new matter.

Paragraph [0056] has been amended to more clearly describe loops **425a** and **425b**. Specifically, this paragraph has been amended to recite that “[e]ach arm **422** has a respective end **421**, shown as end **421a** and **421b**, each forming a loop **425**, shown as loop **425a** and **425b**, to support one of a pair of grips **423**, shown as grip **423a** and **423b**.” This amendment is supported in the Drawings, for example, in FIGS. 4, 7, 8, and 11, and thus no new matter has been added with this amendment.

### **REPLACEMENT SHEETS 2-16 OF THE DRAWINGS**

Replacement Sheets 2-16 are presented to provide higher quality Drawings and to provide several reference characters not present in the original Drawings. There is no new matter within the Replacement Sheets 2-16.

Replacement Sheets 2-7, 9, and 11-16 of the Drawings are line drawings of the original Sheets 2-7, 9, and 11-16, some of which included photographs, and provides higher quality and more easily reproducible FIG. 3, 4, 5A, 5B, 6, 7, 8, 9A, 9B, 10, 11, 12B', 12B'', 14A, 14B, 15A, 15B, 15C, 15D, 15E, 15F, 15G, 15H, 15I, 16A and 16B. The changes in these Replacement Sheets are limited to replacing black and white photographs with line drawings and to providing higher quality line drawings. and do not include new matter. Applicant respectfully requests that Replacement Sheets 2-7, 9, and 11-16 replace the original Sheets 2-7, 9, and 11-16.

Replacement Sheet 8, which includes FIGS. 12A, 12B, 12C, and 12D, has been amended to include reference numerals 422a, 422b, and 435a in FIGS. 12B and 12C, and Replacement Sheet 10, which includes FIGS 13A, 13B, and 13C, has been amended to include reference numerals 410, 422a, 422b, 435a, and 425b in FIGS. 13A, 13B, and 13C. Changes to Replacement Sheets 8 and 10 in compliance with 37 CFR §1.121(d) and are indicated in the attached Annotated Sheet Showing

Changes for Sheets 8 and 10. Support for these changes are found in the original FIG. 12A. These amendments allow the narrative of the Specification to be more easily followed. Applicant respectfully requests that original Sheet 8 and 10 are replaced by Replacement Sheets 8 and 10.

### **OBJECTIONS TO THE DRAWINGS**

The Drawings were objected to for various reasons. In response, each objection has been addressed by amending either the Specification or the Drawings. Applicant respectfully requests that objections to the Drawings be withdrawn.

The Drawings were objected to for failing to comply with 37 CFR §1.84(p)(5) by not including the reference sign **129** as mentioned in paragraph [0051], line 7. In response, paragraph [0051] is amended herein, removing reference to “**129**.” No new matter has been introduced with this amendment.

The Drawings were objected to for failing to comply with 37 CFR §1.84(p)(4) for using the reference character “**2517**” for two elements of bracket **2500**. This objection is the result of a typographical error in number crease **2517**. In response, Applicant has amended FIG. 25 in compliance with 37 CFR §1.121(d) and paragraph [0075]. A Replacement Sheet 24 of the Drawings and an Annotated Sheet Showing Changes is included herein. FIG. 25 and paragraph [0075] have both been amended to change crease **2517** to crease **2518**. No new matter has been introduced with these amendments.

The Drawings were objected to under 37 CFR §1.83(a) for failing to show features of strap **427** mentioned in paragraph [0061], lines 2-3. In response, paragraph [0061] is amended herein to more clearly describe structural detail of the Figures. Specifically, paragraph [0061], as amended, describes strap **427** as “having an opposite end that is bound with stitches **701** to form a loop **425** to secure grip **423**.” Support for this amendment is found in the original FIG. 4 and FIG. 7. No new matter has been introduced with this amendment.

The Drawings were further objected to for mislabeling reference sign “**110**.” In response, Applicant has amended FIG. 2 in compliance with 37 CFR §1.121(d). A Replacement Sheet 1 of the Drawings and an Annotated Sheet Showing Changes is included herein. No new matter has been introduced with this amendment.

## **OBJECTIONS TO THE SPECIFICATION**

The Specification was objected to for several informalities. In response, paragraphs [0044], [0045], [0065], [0069], [0072], [0074], [0092], [0095], [0097], [0098] and [0099] have been amended herein to correct the noted informalities. Applicant respectfully requests that objections to the Specification be withdrawn.

As suggested by the Examiner: paragraph [0044] has been amended to replace "22B" and "22C" with - 21B- - and - 21C- -, respectively, paragraph [0045] has been amended to replace "FIG. 21B" with - FIG. 22A- -, "21B" with - 22B- -, "21C" with - 22C- -; each occurrence of "21D" with - 21D- -, and "21C" with - 22B--; paragraph [0065] has been amended to replace "820" in line 7 with --1020--, "425" in line 7 with --435--, and "1001" in line 8 with --4001--; paragraph [0069] has been amended to replace "1400" in line 5 with --1410--; paragraph [0074] has been amended to replace "120" with - 420- -; paragraph [0092] has been amended to replace "1903" with - 2003- -; and paragraph [0095] has been amended to replace "22B" and "21C" with - 21B- - and - 21C- -, respectively.

The informality in paragraph [0072] was the result of a typographical error, which is corrected by amending the paragraph to read: Adjustable loop 1413 of anchor 1410 is tightened about a pole P, for example, by placing the adjustable loop [[1411 may be placed]] over the top of the pole and tightened using cam buckle 1412. Support for this amendment is found, for example, in paragraphs [0070] and [0051].

The informalities in paragraphs [0097], [0098], and [0099] were the result of typographical errors which are corrected by the amendment, which replaces "21A," "21B," "21C," and "21D" with - 22A- -, - 22B- -, - 22C- -, and - 22D- -, respectively, in paragraph [0097] and replaces the reference number "1703" with - 1803- - in paragraphs [0097], [0098], and [0099]. Support for these amendments is found in FIGS. 22A-22D.

The specification has also been objected to for failing to provide proper antecedent basis to claimed subject matter with regard to Claim 21. In response, Claim 21 has been amended to recite that the elongated member is inelastic. Support for this amendment is found, for example, in paragraph [0008] of the Specification.

Applicant respectfully requests that objections to the Specification be withdrawn.

### **OBJECTIONS TO THE CLAIMS**

Claim 17 was objected to for informality. In response, Claim 17 has been amended to replace "said first portion" with - -second end- -. Support for this amendment is found in Claim 3 and in FIGS. 14A and 14B. Applicant respectfully requests that objections to the Claims be withdrawn.

### **REJECTION TO THE CLAIMS**

#### **Rejection under 35 U.S.C. §102**

#### ***Claims 1-4, 10 and 16-19***

Claims 1-4, 10 and 16-19 were rejected as being anticipated by Macabet. Claim 17 has been amended to correct an informality. This rejection is respectfully traversed as Macabet is not anticipatory for the reasons presented below.

Macabet describes an exercise device having a system of cables and pulleys that is connectable to one of a selection grips to support a user. The cables and pulleys of Macabet are attached to a fixed position on the ground or a pole, and the grips are attached to the cable ends. Specifically, the device of Macabet includes a main cable (5) attachable to a fixed position and having a pulley (6 and 6a) at each end that supports one of auxiliary cables (7 and 8). Each cable end includes a snap-hook (9 or 12) (column 2, lines 37-38 and 62-63) that permits attachment of a grip in the form of a handle, strap, mouthpiece, or clog. Macabet thus teaches providing the cables and snap-hooks for attachment of a grip.

Claim 1, on which Claims 2-4, 10, and 16-19 depend, recites an exercise device having at least one integral grip and an accessory grip removably coupled to the at least one integral grip. Applicant can find neither an integral grip nor accessory grip removably coupled to the integral grip in Macabet.

Regarding the integral grips, the Rejection identifies pulleys (6, 6a) of Macabet as being integral grips. Applicant respectfully submits that the pulleys are not grips. The definition of "grip" provided in paragraph [0009] of the Specification is that it "encompasses any device that is interlockable with part of the human body, that is it can be connected in such a way that a person can transfer a force to the grip, preferably a force equal to some or all of the person's weight." This definition is in agreement to that of Webster, which defines a grip as "a part or device by which something is grasped (as a handle) (Webster's Third New International Dictionary, Unabridged. Merriam-Webster, 2002. <http://unabridged.merriam-webster.com> (7 Sep. 2005)). A hand grip, for

example, is a structure configured to be grasped by the hand – that is it must be sized to fit within the palm of the hand or otherwise support a hand and be capable of transmitting a force from the user's hand. Other grips include, but are not limited to, a handle or strap (for supporting a hand, finger, foot or head, for example), or one or more strands of a rigid or flexible material of sufficient circumference to permit a user's hand to grip and pull the strands.

In contrast, pulleys are structurally different from grips. Pulleys commonly include a wheel surrounded by a sheath in which the wheel rotates and do not provide the structure necessary to be a grip. The pulley of Macabet appears to have such a structure. The fact that the pulleys may be used as a grip, as suggested in the Rejection, is not sufficient to establish that they are grips. There must also be rationale or evidence to show this inherency (MPEP §2112 IV). Since Applicant can find no teaching or suggestion in Macabet to use a pulley as a grip, it is respectfully submitted that there is no support for the claimed integral grip in Macabet.

Regarding the claimed grip removably coupled to an integral grip, Applicant can find no such accessory grip in Macabet. The grips of Macabet are removably coupled to snap-hooks on the device's cables. As with the pulleys, there is no basis for considering the snap-hooks as grips. Since Applicant can find no teaching or suggestion in Macabet for a grip removably coupled to an integral grip, it is respectfully submitted that there is no support for the assertion Macabet anticipates the claimed accessory grip in Macabet.

For either of these reasons, Macabet does not disclose each element of Claim 1, and thus fails to anticipate either the exercise apparatus of Claim 1 or the apparatus of Claims 2-4, 10, and 16-19, as amended, and which depend on Claim 1. For these reasons Applicant requests that the Rejection under §102 of Claims 1-4, 10, and 16-19, as amended, be withdrawn.

In addition, the Rejection of Claims 4, 10, 16, and 19 is also respectfully traversed for the following reasons.

Claim 4 depends on Claim 2 and further recites a mechanism to adjust the length of the elongated member. In the Rejection mechanism 15 of Macabet is described as adjusting the length of the elongated member. Applicant respectfully disagrees. Mechanism 15 is a device for securing the end of cable 5, and Applicant can find no mechanism for adjusting the length of the cable. For this reason, Macabet does not disclose each element of Claim 4. Macabet thus fails to anticipate Claim 4, and applicant respectfully requests that the Rejection under §102 of Claim 4 be withdrawn.

Claim 10 recites an accessory grip including a plurality of cords for gripping. The Examiner has stated cords 7, 8 adapted for gripping. As discussed above, Macabet is directed to providing a variety of grips and does not teach or suggest the use of the device's cables as grips. In addition, the size of a cable needed to support a user's weight would likely be much too thin to function as a grip – that is, a hand could not readily grasp such a cable. For this reason, Macabet fails to anticipate Claim 10, and applicant respectfully requests that the Rejection under §102 of Claim 10 be withdrawn.

Claim 16 recites and anchor having an enlarged end passable through a door jamb. The rejection states that the stationary support may be a door. Applicant respectfully disagrees. Macabet does not teach or suggest anchoring to any object other than a post or the ground. In addition, there is no teaching or suggestion as to how strap 17 of Macabet could be secured in a door jamb. For this reason, Macabet does not disclose each element of Claim 16 and thus fails to anticipate Claim 16. Applicant respectfully requests that the Rejection under §102 of Claim 16 be withdrawn.

Claim 19 recites an elongated member that interacts to provide frictional restraint with respect to the anchor. In contrast, Macabet teaches a pulley to support the cables. Pulleys are well-known devices that permit movement of an elongated member, such as the cord of Macabet, with a minimal amount of friction. Applicant can find no teaching in Macabet to provide frictional resistance to the movement of the cable. For this reason, Macabet fails to anticipate Claim 19, and applicant respectfully requests that the Rejection under §102 of Claim 19 be withdrawn.

### ***Claims 1 and 21***

Claims 1 and 21 were rejected as being anticipated by Davies. Claim 21 has been amended to correct an informality. The rejection is respectfully traversed as Davies is not anticipatory for the reasons presented below.

Davies describes an exercise device that includes a belt mountable to user's waist and an elastic cord having two ends a center attached to the belt. In the several devices described, the force of the elastic cord is supported either by a handle or a handle/wrist cuff combination. The exercise device of Davies allows a user to exercise against the elastic force resulting from the user stretching the elastic cord.

Claim 1 recites an exercise device having at least one integral grip and an accessory grip removably coupled to the at least one integral grip, as described above. The rejection states that

Davies “discloses a portable exercise apparatus comprising a resistance exercise device having at least one integral grip 20 [which Davies refers to as a hand grip 20]; and an accessory grip 18 [which Davies refers to as a wrist cuff 18] removably coupled to at least one integral grip.” Applicant respectfully disagrees.

Applicant can find no accessory grip removably coupled to the at least one integral grip in Davies. Davies teaches a handle and wrist cuff as being either integral (as in FIG. 4) or formed from separate pieces that are not removably attached, for example by stitching them together (as in FIG. 3). The hand grip and wrist cuff are thus attached and there Applicant can find no teaching or suggestion to configure them to be removably coupled. Davies thus fails to anticipate the claimed invention. Applicant thus respectfully requests that the rejection under §102 of Claim 1, and Claim 21 as amended and which depends on Claim 1, be withdrawn.

Rejections of Claims 1-7 and 14-20 under 35 U.S.C. §103

***Claim 20***

Claim 20 was rejected as being unpatentable over Macabet in view of Wolfe. The rejection is respectfully traversed, as it will be subsequently shown that a *prima facie* case of obviousness has not been established.

The teachings of Macabet have been discussed above. Wolfe describes a device for supporting exercise equipment to a wall. Specifically, the device of Wolfe is described as supporting a strap, a rope, or a ballet bar (column 1, lines 20-23). The device of Wolfe includes a metal piece for attaching to a strap and having an exposed a “ball” and a bracket attached to the wall and having an opening for accepting and restraining the ball.

One of the three criteria which must be met to establish a *prima facie* case of obviousness (MPEP §2142) is that the references must teach or suggest all claim limitations. Claim 20 includes, through dependency, the recitation of a resistance exercise including an accessory grip removably coupled to an integral grip, and an anchor having a strap between a first end and a second end and a bracket for attaching to a wall and having an opening adapted to accept the anchor strap.

Applicant can find no teaching or suggestion, either explicitly or inherently, of an accessory grip removably coupled to an integral grip in Macabet, as discussed above. Wolfe teaches only an integral grip and has no teaching or suggestion, either explicitly or inherently, of an accessory grip. Thus the references do not teach or suggest an accessory grip.



In addition, Applicant can find a teaching or suggestion, either explicitly or inherently, of an anchor attached to a bracket by accepting a strap of the anchor. Macabet teaches a strap for wrapping about a pole or anchoring to the ground. Wolfe teaches a strap having an attached device with a ball for inserting into a bracket. Applicant can find no teaching or suggestion, either explicitly or inherently, in Wolfe of a bracket accepting a strap. Thus the references do not teach or suggest a bracket accepting a strap of an anchor.

Another criteria necessary to establish a *prima facie* case of obviousness is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Applicant can find no suggestion or motivation in any of the cited reference, taken individually or in combination, of any advantage of having an accessory grip coupled to an integral grip. As discussed above, Macabet teaches a grip that attaches to a cable, and Wolfe teaches an integral grip. There is no teaching or suggestion, either explicitly or inherently, in either reference to modify the references to obtain an accessory grip couplable to an integral grip.

In addition, Applicant can find no suggestion or motivation in the cited references, taken individually or in combination, for any a bracket that accepts a strap of an anchor. Macabet teaches a strap that wraps about a pole or that is attached to the ground. Wolfe teaches a bracket that accepts a ball attachment to a strap, and thus teaches away from attaching the strap directly to the bracket. Accordingly, there would be no reason to modify Wolfe such that the bracket accepts the strap.

For these reasons, there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references to either include an accessory grip removably coupled to an integral grip or a bracket to accept a strap of an anchor. For any of these reasons, it is respectfully requested for any one of these reasons that the Examiner withdraw the rejection of Claim 20 under §103(a).

#### ***Claims 14 and 15***

Claims 14 and 15 were rejected as being unpatentable over Macabet in view of Dunston. The rejection is respectfully traversed, as it will be subsequently shown that a *prima facie* case of obviousness has not been established.

Macabet has been described above. Dunston teaches an anchored exercise device having two handles attached by a rope that passes through a pulley attached to the anchor. The rope is attached

to a mechanism at the handle for adjusting the length of the rope in the device.

One of the three criteria which must be met to establish a *prima facie* case of obviousness (MPEP §2142) is that the references must teach or suggest all claim limitations. Claims 14 and 15 include, through dependency, a resistance exercise device having an accessory grip removably coupled to an integral grip and a mechanism to adjust the length of the elongated member. The length adjusting member includes at least one cam buckle (Claim 14) or two cam buckles (Claim 15).

Regarding the accessory grip, Applicant can find no teaching or suggestion of an accessory grip removably coupled to an integral grip in Macabet, as discussed above. In addition, Dunston discloses a grip that forms an integral part of the device. Applicant can find no teaching or suggestion in Dunston of an accessory grip.

Regarding the one or more cam buckles, Applicant can find no teaching or suggestion in Macabet of any mechanism for adjusting the length. Although the Rejection states that Dunston includes a cam buckle, Applicant disagrees. Dunston teaches a cord connector means 30. The cord connector means of Dunston is a device particularly adapted for restraining a cord by grabbing at a length of the entire circumference of the cord. In contrast, cam buckles are adapted for use with straps – they typically have a bar equal to the strap width for attaching one strap and a cam having the same width for clamping along the strap width. The cord connector means of Dunston is thus not equivalent to a cam buckle.

Regarding the second cam buckle, Applicant can find no teaching or suggestion in either Macabet or Dunston to provide two cam buckles. The Rejection states that it would be a matter of design consideration to provide a second cam buckle. Applicant disagrees. For the reasons presented above, the references do not teach or suggest a cam buckle. In addition, since both Macabet and Dunston rely on pulleys that provide for an easy distribution of cord length in their respective devices, there would be no motivation to provide a second mechanism. Such a device would be superfluous and would add to the expense of the device.

For any one of these three reasons, the references do not teach or suggest all claim limitations.

Another criteria necessary to establish a *prima facie* case of obviousness is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Applicant can

find no suggestion or motivation in any of the cited reference, taken individually or in combination, of modifying the references to include an accessory grip removably coupled to an integral grip. As discussed above, Macabet discloses a grip that attaches to a cable and does not teach or suggest a grip attachable to another grip. Dunston discloses a grip integrally attached to a cable and does not teach or suggest a grip that attaches to another grip. For these reasons, there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references to include an accessory grip removably coupled to an integral grip.

Applicant can also find no suggestion or motivation in any of the cited reference, taken individually or in combination, to modify the references to include a cam buckle. As noted above, the cord connector means of Dunston is particularly well suited to adjusting the length of a cord or another element having a circular cross section. There is no motivation within either of the references to use a strap, as this would make the pulleys inoperative. Likewise, a cam buckle is not normally used for securing cords, and would be inferior to the cord connector means of Dunston. In addition, modifying the references to include a cam buckle would also result in a greatly inferior or inoperative device, as the cam buckle would slide back and forth, and the cam buckle does not provide an efficient device for grabbing the periphery of a cord. There is thus no motivation for modifying Dunston to include a cam buckle as a length adjustment mechanism.

For these reasons, there is no suggestion or motivation, either in the references themselves, to modify the references to include an accessory grip removably coupled to the at least one integral grip or a cam buckle. It is thus respectfully requested that the Examiner withdraw the rejection of Claims 14 and 15 under 35 U.S.C. §103(a).

***Claims 1-7, 16, 18, and 19***

Claims 1-7, 16, 18, and 19 were rejected as being unpatentable over Suzuki in view of Shields. The rejection is respectfully traversed, as it will be subsequently shown that a *prima facie* case of obviousness has not been established.

Suzuki teaches a "rope friction exercise device" having a pair of handles connected by a rope that passes through a support that is anchored to a wall or other structure. The handle of Suzuki is attached to the rope by passing the rope by knotting the rope to the handle. The Applicant can find

no teaching or suggestion in Suzuki of an accessory grip or handle that is removably attachable to the handle.

Shields teaches a "glove" that provides support to the hand of person gripping a handle. A user grips the handle and then wraps the glove over the hand and pulls a portion of the glove over the fingers and back to the wrist, where it attaches to another part of the glove. There is no teaching or suggestion in Shields for a glove that attaches to a handle or any other grip.

One of the three criteria which must be met to establish a *prima facie* case of obviousness (MPEP §2142) is that the references must teach or suggest all claim limitations. Each of Claims 1-7, 16, 18, and 19 recite a resistance exercise device having an accessory grip removably coupled to the at least one integral grip. Applicant can find no teaching or suggestion in Suzuki for an accessory grip that is removably coupled to an integral grip. The Rejection states that Shields discloses an accessory grip for removably coupling to an integral grip. Applicant respectfully disagrees. Shields discloses a glove that is fastened to the user's wrist. When a user grasps a grip, the glove of Shields provides support to the user to maintain a grip posture (Summary of the Invention, column 1, lines 47-56). The glove of Shields thus attaches only to the user's hand. There is no suggestion or teaching in Shields of a glove that is attachable to an integral grip. For this reason, the references do not teach or suggest all claim limitations.

Another criteria necessary to establish a *prima facie* case of obviousness is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. The purpose of the glove of Shields is to provide support to a user by wrapping the glove about the wrist. There is no teaching or suggestion of having the glove in contact with a grip. In addition, Applicant can find no teaching or suggestion of the advantage of having the glove of Shields removably coupled to an integral grip. In summary, there is no motivation to modify Shields to have the glove be removably coupled to a grip.

For either of these reasons, there is no suggestion or motivation, either in the references themselves, to modify the references to include an accessory grip removably coupled to the at least one integral grip. It is thus respectfully requested that the Examiner withdraw the rejection of Claim 1, and Claims 2-7, 16, 18, and 19, which depend on Claim 1, under 35 U.S.C. §103(a).

In addition, Applicant requests that the Rejection of Claims 6 and 7 also be withdrawn for the following reasons.

Claim 6 recites an accessory grip having a fastener to secure a grip attachment portion about an integral grip. In contrast, the grip attachment portion 44 of the device of Shields attaches to the wrist of the wearer and does not attach to the handle. For this reasons, the cited references cannot be use to establish a *prima facie* case of obviousness, and it is respectfully requested that the Rejection under §103(a) of Claim 6, and Claim 7, which depends on Claim 6, be withdrawn.

***Claims 1 and 10-13***

Claims 1 and 10-13 were rejected as being unpatentable over BODYBUILDER'S DISCOUNT OUTLET ("BODYBUILDER'S"). The rejection is respectfully traversed, as it will be subsequently shown that a *prima facie* case of obviousness has not been established.

BODYBUILDER'S teaches a "Tricep Rope" in the form of a cable attachment used for exercising the triceps. The cable attachment includes a joint for attaching to a snap link at the end of a cable and two rubber grip blocks for exercising.

One of the three criteria which must be met to establish a *prima facie* case of obviousness (MPEP §2142) is that the references must teach or suggest all claim limitations. Claim 1 recites an exercise device having at least one integral grip and an accessory grip removably coupled to the at least one integral grip. Applicant can find no teaching or suggestion in BODYBUILDER'S of either an integral grip or of an accessory grip for attachment to the integral grip. In the Rejection, the snap link of BODYBUILDER'S is identified as the claimed grip. Applicant respectfully submits that the snap link is not a grip. The definition of "grip" has been presented above. In contrast, the snap link is structurally different from a grip. The fact that the snap link may be used as a grip, as suggested in the Rejection, is not sufficient to establish that they are grips. There must also be rationale or evidence to show this inherency (MPEP §2112 IV). In addition, there is no teaching in BODYBUILDER'S to use the snap link as a grip, and it is not apparatnt that is has the proper size to act as a grip. Since Applicant can find no teaching or suggestion in BODYBUILDER'S to use a snap link as a grip, it is respectfully submitted that there is no support for the claimed integral grip in BODYBUILDER'S. In addition, the BODYBUILDER'S Tricep Rope is adpated for connecting to the snap link, and not to another grip. BODYBUILDER'S therefore does not teach or suggest an accessory grip removably coupled to another grip.

Claim 10 further recites an accessory grip having a plurality of cords adapted for gripping in any combination. Applicant can find no teaching or suggestion in BODYBUIDLER'S of a plurality

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of cords adapted for gripping in any combination. The BODYBUILDER'S Tricep Rope is disclosed as being formed of "over-sized rubber grip blocks." The blocks form two grips that extend outwards from the grip joint and that are such to be grippable by one hand, as shown and discussed in BODYBUILDER'S. In particular, there is no teaching or suggestion to grab the blocks in any combination, and there is no reason to believe that they may inherently used in combination.

BODYBUILDER'S thus fails to anticipate either the accessory grip including a plurality of cords, or a plurality of cords grippable in any combination. For any one of these three reasons, BODYBUILDER'S does not teach or suggest all claim limitations.

Another criteria necessary to establish a *prima facie* case of obviousness is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.

BODYBUILDER'S discloses the advantages of having a variety of grips that are attachable to snap link. BODYBUILDER'S devices are directed to the attachment of any one of a variety of grips. Applicant can find no teaching or suggestion in BODYBUILDER'S of either a grip integral to a cable, or of an accessory grip for attachment to the integral grip. There is no suggestion or motivation in BODYBUILDER'S to modify BODYBUILDER'S to have an integral grip. In addition, there is no suggestion or motivation in BODYBUILDER'S to modify BODYBUILDER'S to have a grip that is attachable to another grip.

For any of these reasons, the cited references cannot be use to establish a *prima facie* case of obviousness. It is thus respectfully requested that the Examiner withdraw the rejection of Claim 1, and Claims 10-13, which depend on Claim 1, under 35 U.S.C. §103(a).

Applicant respectfully submits that the application is in condition for allowance and action to that end is respectfully solicited. If the Examiner should feel that a telephone interview would be productive in resolving any issues in the case, please telephone the undersigned at the number listed below.

September 9, 2005

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Respectfully submitted,



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Registration No. 45,186

**Amendments to the Drawings**

The attached sheet of drawings includes the following.

1) Changes to FIG. 2 in Replacement Sheet 1. This sheet, which includes FIG. 1-2, replaces the original sheet including FIG. 1-2. In Figure 2 a typographical error in reference numeral "110" has been corrected, as noted in the attached Annotated Sheet Showing Changes.

2) Replacement Sheets 2-7, 9, and 11-16. These sheets, which include FIG. 3, 4, 5A, 5B, 6, 7, 8, 9A, 9B, 10, 11, 12B', 12B'', 14A, 14B, 15A, 15B, 15C, 15D, 15E, 15F, 15G, 15H, 15I, 16A and 16B replace the Figures of the original Sheets with Figures that are of higher quality than those of the original Sheets. As such, no Annotated Sheets are provided for Sheets 2-7, 9, and 11-16.

3) Changes to FIG. 12B and 12C in Replacement Sheet 8. This sheet, which includes FIG. 12A, 12B, 12C, and 12D, replaces the original sheet including FIG. 12A, 12B, 12C, and 12D. In Figures 12B and 12C reference numerals 422a, 422b, and 435a have been added as noted in the attached Annotated Sheet Showing Changes.

4) Changes to FIG. 13A, 13B, and 13C in Replacement Sheet 10. This sheet, which includes FIG. 13A, 13B, and 13C, replaces the original sheet including FIG. 13A, 13B, and 13C. In Figures 13A, 13B, and 13C reference numerals 410, 422a, 422b, 435a, and 425b have been added as noted in the attached Annotated Sheet Showing Changes.

5) Changes to FIG. 25 in Replacement Sheet 24. This sheet, which includes FIG. 24-26, replaces the original sheet including FIG. 24-25. In the original Figure 25 the reference numeral 2517 was used to number two elements. In the Replacement Sheet, crease 2517 has been relabeled "2518", as noted in the attached Annotated Sheet Showing Changes.

Attachment: Replacement Sheets 1-16 and 24

Annotated Sheet Showing Changes in Sheets 1, 8, 10, and 24





Reference  
numerals  
added

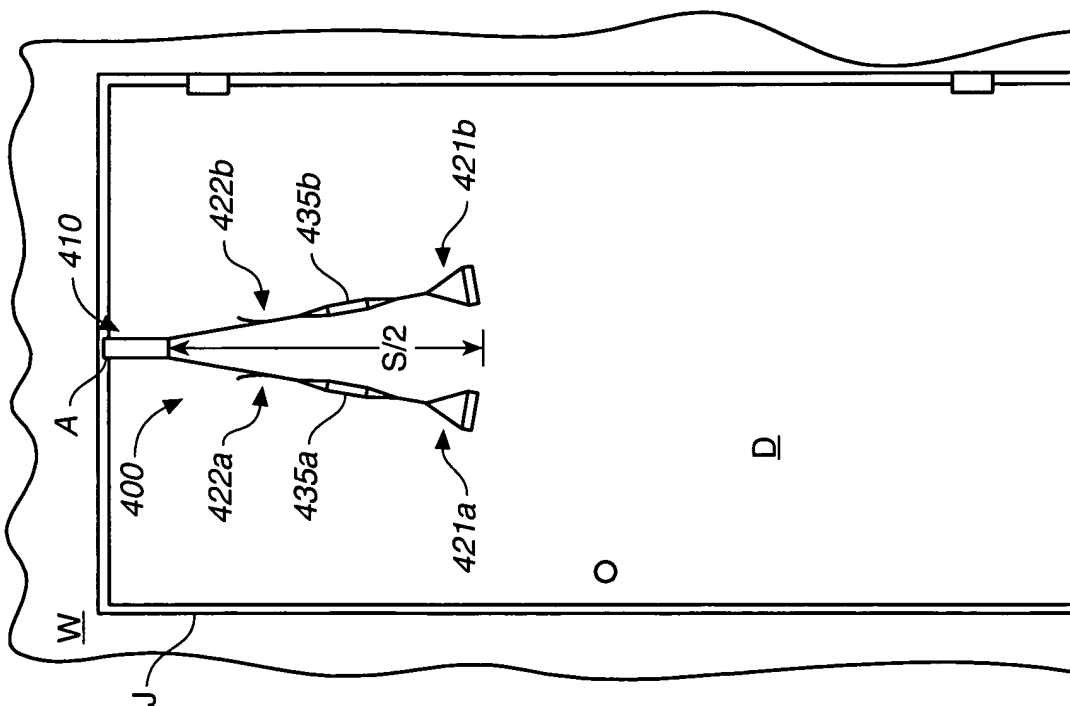


FIG. 12A

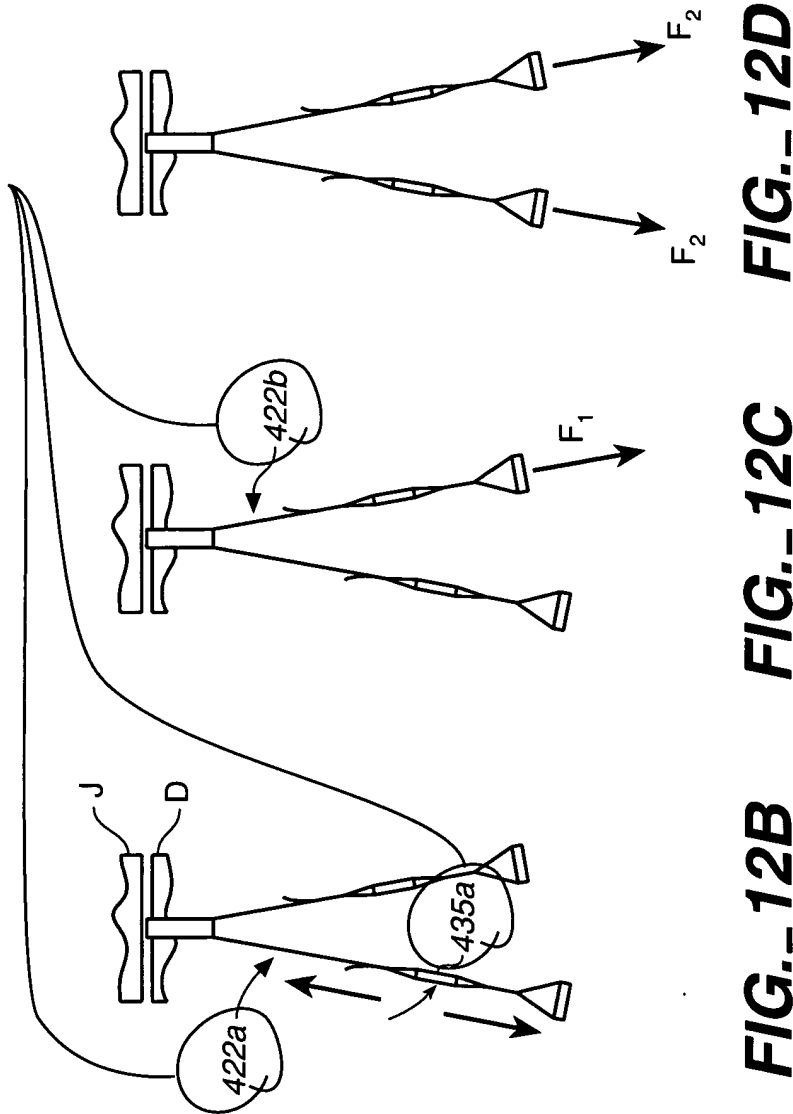
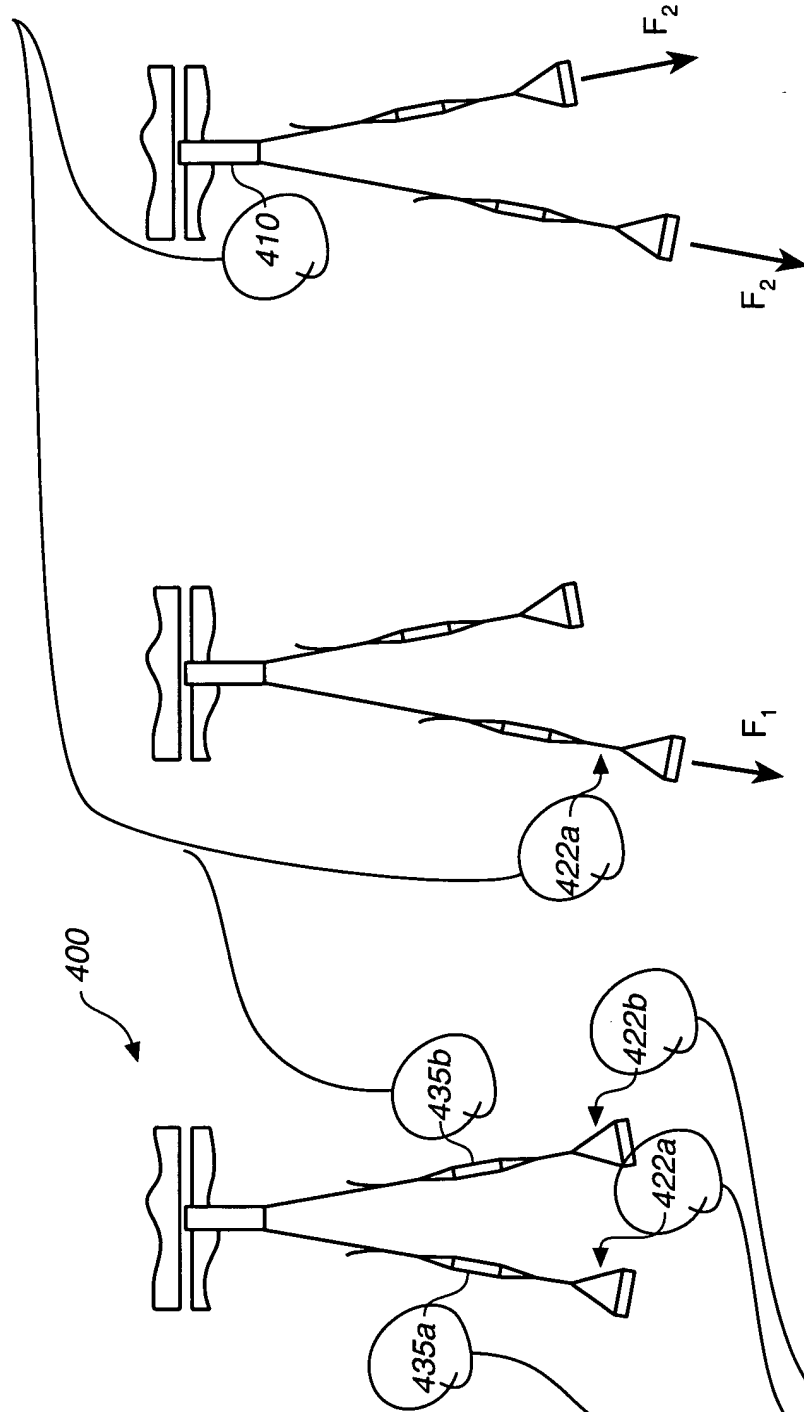


FIG. 12D

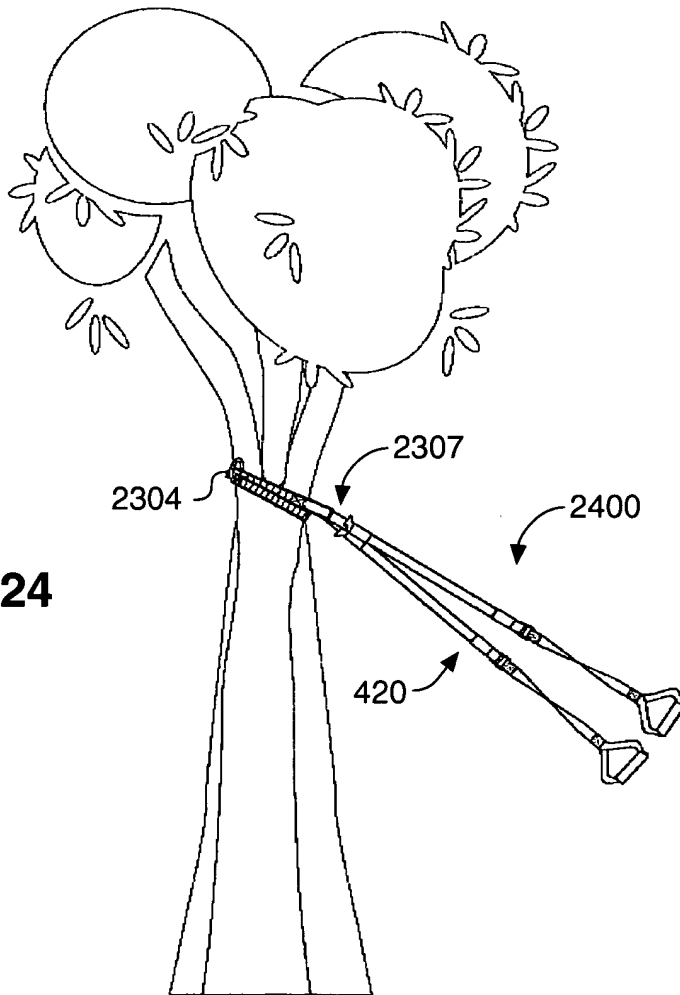
FIG. 12C

FIG. 12B

Reference  
numerals  
added

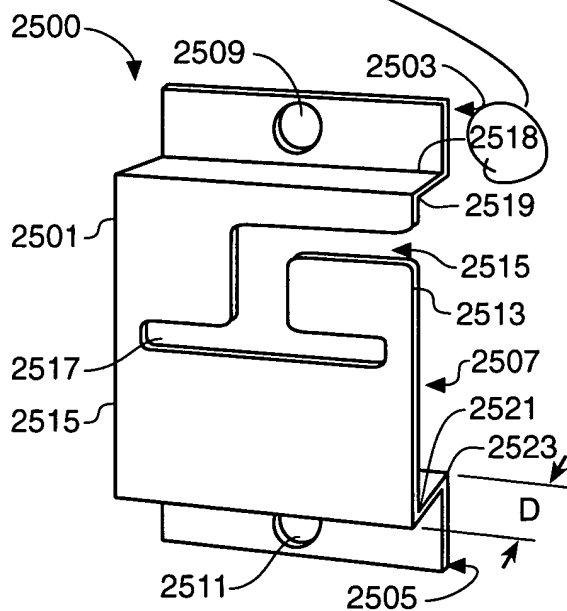


Reference  
numerals  
added

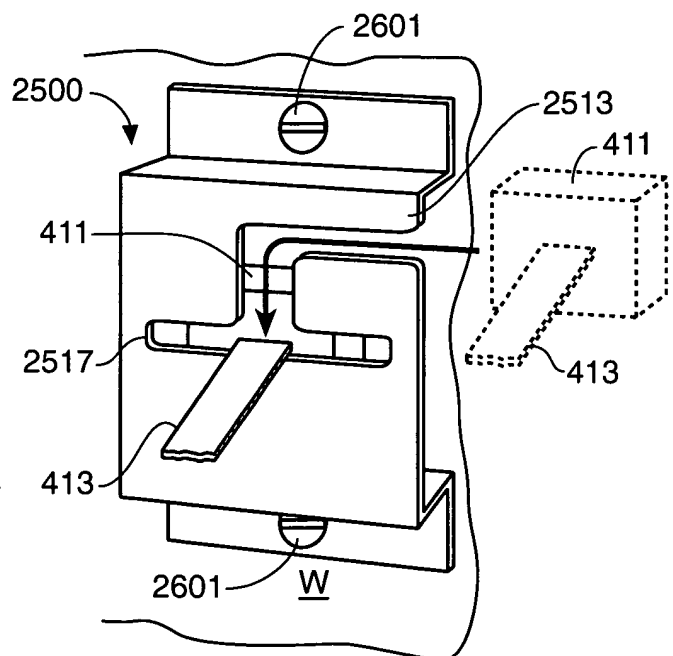


**FIG. 24**

Reference  
numeral  
corrected



**FIG. 25**



**FIG. 26**

